IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 20179 of 2007(B)

PETITIONER:

HUTCHISON ESSAR CELLULAR LTD., ASHISH BUILDING, COCHIN-31, REPRESENTED BY ITS MANAGER LEGAL, RAJESH, MELETH VEETTIL, AGED 36 YEARS, S/O.RAGHAVAN MELEHVEETTIL.

BY ADV. SRI.P.SATHISAN

RESPONDENTS:

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1. VILLAGE OFFICER, MADAVOOR VILLAGE, KOZHIKODE.

2. REVENUE DIVISIONAL OFFICER, KOZHIKODE.

3. MADAVOOR GRAMA PANCHAYATH REPRESENTED BY ITS SECRETARY, MADAVOOR, KOZHIKODE.

4. SECRETARY, LOCAL ADMINISTRATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. K.J. MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.20179 of 2007

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Dated this the 6th day of July, 2007

JUDGMENT

Petitioner has approached this court aggrieved by Ext.P5. It is issued by the Village Officer calling upon the petitioner that as per the intimation from the RDO, petitioner has to stop construction of the tower until further orders. Ext.P6 is the complaint, on the basis of which the RDO has taken the decision, was signed by four persons. Ext.P7 is stated to have been filed by the Panchayat. Ext.P8 is issued by the petitioner.

2, Heard Government Pleader also. In the nature of the order I propose to pass, it is not necessary to issue notice to the respondents.

The writ petition is disposed of directing the second respondent to consider the objections of the petitioner (Ext. P8), Ext.P7 filed by the Panchayat and afford an opportunity of hearing to the petitioner, the third respondent and the complainants in Ext.P6 and any other affected party and take a decision in accordance with law within six weeks from the date of receipt of a copy of this judgment. Learned counsel for the

petitioner relies on the judgment of the Division Bench of this court reported in **Reliance Infocomm Ltd. v. The Chemanchery Grama Panchayat** (I.L.R. 2006(4) 357. It is open to the petitioner to rely on the said judgment at the time of hearing before the second respondent.

(K.M. JOSEPH, JUDGE)

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